

**Andover Conservation Commission Meeting Minutes  
July 6, 2010**

Town of Andover  
36 Bartlett Street  
3<sup>rd</sup> Floor Conference Room  
7:45 pm

**Conservation Commission Members in Attendance:**

Chairman Donald Cooper, Commissioner Alix Driscoll, Commissioner Gail Ralston, Commissioner Jon Honea and Commissioner Floyd Greenwood. Staff Members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

**SCHEDULED ITEMS:**

**5 College Circle**

**Present in Interest: Brian and Courtney Salazar**

*Staff Recommendation: Approve as Neg.3.*

Public Meeting on the Request for Determination of Applicability to determine if the proposed abandonment of an existing septic system and tie into town sewer is subject to the Massachusetts Wetlands Protection Act.

Agent Cleary presented this to the Commission. The filing is under the WPA only and is complete. This is a standard sewer tie in and does not have to comport to plan requirements per agreement with the BOS and BOH to facilitate installation. The proposed work is 15 feet, more or less, from the wetland boundary. No erosion control is necessary as it will be back filled the same day. Edge of lawn is proximate to boundary. There will be no further extension of lawn area in perpetuity.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to Approve as Neg.3; it was seconded by Commissioner Driscoll and unanimously approved.

**22 Timothy Drive**

**Present in Interest: David and Jeanne Liddell**

*Staff Recommendation: Approve as Neg.3.*

Public Meeting on the Request for Determination of Applicability filed to determine if the construction of a deck and a patio is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. Mr. Douglas was asked to check this site by an Inspector. There is work within the 100 feet of BVW, but done inadvertently. Upon being notified, the Applicants immediately came and filed the appropriate paperwork. The project consists of removing an existing deck and placing it with a patio which is 85 feet from the BVW. It is staff's recommendation to issue the permit to include the engineer's stamp to be "X"ed out, markers on fence line as a non disturb zone and stabilize the area where the work has been done.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to Approve as Neg. 3 with staff recommendations; it was seconded by Commissioner Driscoll and unanimously approved.

### **9 Belknap Drive**

**Present in Interest: Sandra and Richard Christopher**

*Staff Recommendation: Approve as Neg.3.*

Public Meeting on the Request for Determination filed to determine if the construction of a replacement deck is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. This project consists of the replacement of a 20 x 10 deck with a 10 x 16 deck which is about 80-90 feet from BVW. The work will follow along the existing driveway to keep away from the BVW. Chairman Cooper asked where the deck is referenced on the submitted plan and if the Applicant had requested waivers of the filing requirements. The Applicant labeled the deck on the plan.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to Approve the waiver for filing requirements based on staff recommendation and plot plan submitted, it was seconded by Commissioner Driscoll and unanimously approved. Commissioner Ralston made a Motion to Approve as Neg. to include reference to plot plan submitted, it was seconded by Commissioner Driscoll and unanimously approved.

### **8 Samos Lane**

**Present in Interest: Jim and Phyllis Lanciani**

*Staff Recommendation: Approve as Pos.2b, Neg.3 and Neg.6.*

Public Meeting on the Request for Determination of Applicability filed to determine if the construction of a replacement of a septic system is subject to the Massachusetts Wetlands Protection Act.

Agent Cleary presented this to the Commission. The filing is under the WPA only and is complete. This is an "After the Fact" filing for an upgrade of a failing septic system permitted under an Emergency Certification at the request of the Board of Health by the Commission on April 2, 2010. Waivers, etc., are not applicable as the work has already been performed and is completed.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to Approve as Pos.2b, Neg.3 and Neg.6; it was seconded by Commissioner Driscoll and unanimously approved.

## **5 Norwich Place**

**Present in Interest: Ed Goguen**

*Staff Recommendation: Approve as Neg.3*

Public Meeting on the Request for Determination of Applicability filed to determine if the installation of an inground pool is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. The side setbacks and distances to the wetlands were based on the Town Topo map, which is incorrect. The Applicant will stake out the pool and measure the distances. One side is over 100 feet; however the other side is 65 feet from the resource area. The pool area needs to be labeled on the plan. There is no grading to occur. Chairman Cooper requested that a condition be included that there will be no point source discharge directly into the wetlands. Commissioner Ralston asked exactly what they are being asked to waive. The cement walkway was missing from the plan; the cement walkway will be 4 feet all the way around the pool. The setback will be 51 feet with the 4 foot cement walkway and walkway with fence at the edge of the walkway. The setback for the envelope of the pool is 35 feet; this was drawn on the submitted plan by the Applicant.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to Approve as Neg.3 according to the revised plan, it was seconded by Commissioner Driscoll and unanimously approved.

## **20 & 40 Andover Country Club Lane**

**Present in Interest: Steve Eriksen**

*Staff Recommendation: Close Hearing and Approve*

Public Meeting on a Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for the proposed relocation of the 11<sup>th</sup> golf tee and cart path, removal of trees, grading and associated utilities.

Mr. Douglas presented this to the Commission. The Applicant has an ANR lot, but the fairway is in the way, making the house to be built a potential target for golf balls. The Applicant would like to relocate the 11<sup>th</sup> tee. There are many resource areas surrounding this area. The disturbance will be less than 1% according to the Riverfront guidelines. The work will be completed in one day and the trees will be replaced in kind just outside

the sewer line. The existing tee becomes regular grass. The planting of trees and vegetation and planting plans will be used as mitigation for cutting down the trees.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to Close the Hearing and Approve with submission of planting plan prior to construction, it was seconded by Commissioner Driscoll and unanimously approved.

### **3 Ballardvale Road**

**Present in Interest: Bill Goebel, Steve Eriksen, Antonio and Mary Cocchiaro and Michael Sewall.**

*Staff Recommendation: Vote on Waivers and Continue to a date uncertain.*

Public Hearing on the Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for the proposed addition, abandonment of the septic system and tie into town sewer.

Agent Cleary presented this to the Commission. The filing is under both the WPA and our By-Law and is not complete. The filing does not meet our regulations and setbacks. This is a "Backyard Project". Waiting for DEP comments. Waivers are needed for:

Work within the 25 foot non-disturb zone

Structure does not meet 50 foot no-build

No proposed contours

Need all natural features, trees over 10' in diameter, intermittent stream channel with flow arrow, area of existing lawn, etc.

Distances from proposed work to resource area no depicted on plan.

Fresh landscaping was observed between Flags 7A and 9A with encroachment onto abutting property and into wetland area. Staff recommends relocation of Flags 7A, 8A and 9A to be moved upgradient making it only 17 feet between the closest corner of the proposed structure to BVW. A minimum of 1:1 mitigation should be provided and 2:1 for encroachment into a resource area and calculations should be provided for both. Installation of non-disturb bounds around the entire site are highly recommended.

Michael Sewall informed the Commission that he DID NOT change the stream.

Mary Cocchiaro has lived at her property for 30 years and the wetland has been getting wetter and the stream has changed.

Waivers for proposed contour: at grade construction which is why there are only spot contours.

Waiver for trees 10" in diameter: this is a densely wooded area; the existing tree line shows trees in the resource area at the tree line.

Waiver for intermittent stream channel with arrows: this will be added to the plan

Waiver for distances from proposed work to resource area: will be added to the plan.

Commissioner Ralston inquired as to why the addition could not be built to accommodate the 25 foot non-disturb. Only a 5-10 foot piece of the addition will encroach into the 25 foot non-build, not the entire addition. The area which will be encroached is already a grassed disturbed area.

Chairman Cooper is concerned about the setbacks and would like a site visit to and see the plan with the required changes. The site visit was scheduled for July 18<sup>th</sup> at 8:00am.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to waive the tree line requirement in the wetland and beyond the tree line; it was seconded by Commissioner Honea and unanimously approved.

Commissioner Ralston made a Motion to continue to a date uncertain; it was seconded by Commissioner Driscoll and unanimously approved.

### **81 Jenkins Road**

**Present in Interest: Kevin Kieler**

*Staff Recommendation: Continue to a date uncertain*

Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for the proposed construction of a sunroom and a deck.

Mr. Douglas presented this to the Commission. The proposed sunroom will be 16 x 16 and only 15.5 feet from the wetland. This is a “Backyard Project” and no waivers have been requested. The following are missing from the submitted plan:

No 25 foot, 50 foot or 100 foot setbacks; Plan is 1 to 40, not 1 to 20; Bordering Land Subject to Flooding not shown as resource area; Habitat, FEMA and NCRS missing; no copy of abutter letter; no contours or lawn area; no year of flagging or by whom; no project description or erosion control and no limit of work.

The Commission will not waive the filing requirements.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to continue to a date uncertain; it was seconded by Commissioner Driscoll and unanimously approved.

**3 Gregory Circle and 7 Gregory Circle**  
**Present in Interest: Bill MacLeod,**

*Staff Recommendation: Continue*

Both are Public Hearings on a Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for the proposed construction of a single family dwelling and associated site work.

Mr. Douglas presented this to the Commission. No waivers are needed for either lot. The structure is 93 feet from the wetlands and driveway is over 50 feet from the wetlands. There will be no additional clearing; the tree line is at the haybale line. All rooftop runoff will be infiltrated. Markers for 25 foot non-disturb will be installed. The stormwater for the subdivision will be taken care of by the stormceptor and all the lots will have rooftop infiltration. The Open Space will be given to the Town as part of the Subdivision.

3 Gregory Circle would like to push the haybales back to provide more yard space and will name the hardwood trees on the plan. The 25 foot non-disturb will remain.

DEP has both lots under review.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to continue to July 20, 2010, it was seconded by Commissioner Driscoll and unanimously approved.

**Taylor Cove**  
**93-97 River Street**  
**Present in Interest: Bill MacLeod, David and Ruth Wacome and Todd Wacome**

*Staff Recommendation: Peer Review for both environment and engineering and continue to date uncertain*

Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act for the proposed construction of a portion of roadway, infiltration basin and three buildings with associated grading.

Agent Cleary presented this to the Commission. The filing is under the WPA only and not complete. The filing is for a 40B project and does not fully comply with our regulations, setbacks and plan requirements. This is a large, lush marsh/riverfront area providing habitat to various species of wildlife. Natural Heritage states that an appropriate assessment needs to be conducted and that no soil or vegetation disturbance, work, clearing, grading or other activities shall be conducted anywhere on this project site until the NHESP has completed its review. The flagging is over 8 years old and the line has most likely changed. Staff disagrees with Flag RA3 and it appears that RA2

could be moved upgradient also. We recommend connecting RA1 to the new location of RA3 and connecting to RA5.

Waivers are needed for the following:

Estimated Habitat Map; Flood Insurance Rate Map; Natural Resources Conservation Service Soil Map; Non-depiction of 50 foot no-build zone; Non-depiction of natural features; Non-submittal of creation of wetland replication area procedures and construction sequencing, monitoring, species, location and number of plants and/or seed mix, specific instructions for installing plants, etc.

Staff recommends a peer review for both environmental and engineering.

Bill MacLeod informed the Commission that the roadway is the same as Victoria Place as well as the detention basin. ZBA is requiring a peer review of the drainage and the Applicant would like it done by the same peer reviewer who did it for Victoria Place. All the driveways have porous pavement to accommodate the increase in runoff. A stormceptor will be in place and each unit will have rooftop infiltration. 4 acres of land will be donated to the Conservation Commission that abuts other Open Space and Conservation Land. On street parking will also be provided for the Open Space and pedestrian access to the end of Charlotte Drive and the cul-de-sac for access to the trail head.

The Commission will need to review what the ZBA did. Attorney Borenstein will obtain the information from the ZBA and get it to the Conservation Commission.

The sense of the Commission was to have the submittal comply with the Application Policies and that an engineering and environmental peer review would be required. Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to continue to July 20, 2010, it was seconded by Commissioner Driscoll and unanimously approved.

### **18 & 20 Iron Gate Drive**

**Present in Interest: Don Bulens, Lynne Capozzi and Bernie Paquin and Ralph Sabatino**

*Staff Recommendation: Continue*

Public Hearing on a Notice of Intent filed under the Massachusetts Wetland Protection Act and/or the Andover Wetlands Protection By-Law for the proposed construction of an inground pool with associated pool deck, shed and equipment.

Mr. Douglas presented this to the Commission. No waivers are requested for plans or setbacks. Several trees will be removed to eliminate leaves and debris from falling into the pool. There will be no work within the 25 foot non-disturb and the cabana will be 50 feet from the wetland. There will be a temporary disturbance of the wetland for access from the road to the project. Medallions will be installed. Water from the pool deck will flow away from the pool and infiltrate into the grass area.

Mr. Sabainto, the pool designer, informed the Commission that there will be no backwashing with this pool. They will use a cartridge filter which returns the water to the pool. When it is time to winterize the pool and drop the level of water, chemicals will not be added to the pool for three days prior in which it becomes just water. Then a garden hose will be used and run into a catch basin.

DEP is under review.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to continue to July 20, 2010, it was seconded by Commissioner Ralston and unanimously approved.

### **CONSENT AGENDA:**

#### **11 Dean Circle**

Issuance of a Notification of Satisfactory Completion of Work Certificate.

#### **106 Abbott Street**

Issuance of a Certificate of Compliance.

#### **Burt Road I-93 Corridor**

ORAD follow-up regarding I-93 Corridor as it relates to vernal pools and ATV use in Protected Habitat.

#### **135 Argilla Road**

Issuance of a Satisfactory Completion of Work Certificate.

#### **Shawsheen River Interceptor Sewer Replacement Project – Sewer Works Improvement**

Issuance of a Certificate of Compliance for Sewer Works Improvement, Shawsheen River Interceptor Sewer Replacement Project.

#### **Minutes**

Approval of minutes from May 18, June 1 and June 15, 2010.

Commissioner Ralston made a Motion to Approve the Consent Agenda; it was seconded by Commissioner Driscoll and unanimously approved.

### **INFORMATION ITEMS:**

There has been an unlawful wetland filling about the side of a football field behind the veterinary clinic. DEP was doing flyovers to compare changes and violations and found it. The land belongs to the veterinarian. Culverts and fill were done.



Andy walked the Proctor and Gamble property and found 6 vernal pools. He will file with Natural Heritage with Linda's help.

**The next meeting will be held July 20, 2010 at 7:45pm.**

**The meeting was adjourned at 10:25 p.m. by a Motion of Commissioner Ralston, seconded by Commissioner Driscoll and unanimously approved.**

**Respectfully submitted by:**

**Lynn Viselli,  
Recording Secretary**